

REMARKS

Applicants respectfully request consideration of the amendments to the claims as herein presented. Claims 34-36 and 44 are pending. Claims 1-33 and 37-43 have been cancelled. Claims 34-36 are amended herein.

The amendments to claims 34-36 involve incorporation of the limitations of the claims from which those claims depended. Support for those amendments is the same as support for the amendments made and accepted in the underlying claims. Entry of the amended claims, as well as reconsideration and allowance of all the pending claims is requested. The amendments to claims 34 and 35 also involve cancellation of references to NRRL-B30458 and NRRL-B30459. The cancellation is made for reasons related to microorganism deposit. Applicants reserve the right to pursue that subject matter in future applications.

Objections and Rejections

Applicants submit that the enclosed amendments overcome all of the pending rejections and objections.

Rejection - Alleged Double Patenting

Claims 34-36 and 44 stand provisionally rejected under the double patenting doctrine in light of co-pending Application No. 10/771,695. Because neither application has issued, and because (assuming the instant amendments are acceptable) this is the only pending rejection in this case, applicants respectfully request that this rejection be withdrawn in this case and made in the '695 application.

CONCLUSION

Applicants respectfully submit that the amendments and remarks set forth in this paper place this application in condition for allowance and such action is courteously requested at an early date. Prompt and favorable consideration of this Response and Amendment is requested. Applicants reserve the right to file continuation applications directed to any and all of the subject matter that may have been cancelled during the prosecution of this case. Any cancellation is not acquiescence to any point of argument made in an Office Action.

It is believed that this application is currently in condition for allowance. If communication with the Applicants' representative would hasten allowance, the Examiner is invited to call the undersigned at the number listed below.

Respectfully submitted,

Buchanan Ingersoll & Rooney PC

A handwritten signature in black ink, appearing to read "Duane A. Stewart III", with a stylized flourish at the end.

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